

United States District Court District of Massachusetts

DENNIS SENA,
Plaintiff,

v.

CIVIL ACTION NO. 2004-12019-RBC

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,
ET AL.,
Defendants.

ORDER FOR PRE-TRIAL CONFERENCE AND FOR TRIAL

COLLINGS, U.S.M.J.

It is ORDERED that the jury trial in the above-styled case commence on **Monday, November 6, 2006 at 11:00 A.M.** at Courtroom #23 (7th floor), United States Courthouse, 1 Courthouse Way, Boston, Massachusetts 02210 for jury empanelment. Opening statements and presentation of evidence shall commence at **9:00 A.M. on Tuesday, November 7, 2006.** The case will be tried on 9:00 - 1:00 schedule and is expected to last five days.

Pursuant to Rule 16, F.R.Civ.P. and Local Rule 16.5 (eff. 10/1/92), it is FURTHER ORDERED that counsel appear for a Final Pre-Trial Conference before the undersigned on **Monday, November 6, 2006 at 11:00 A.M.** The Final Pre-Trial Conference will be conducted in accordance with Local Rule 16.5 (eff. 10/1/92).

In preparation for the Final Pre-Trial Conference, it is ORDERED that:

(1) Pursuant to Rule 16.5 (C) (eff. 10/1/92), counsel meet **on or before the close of business on September 27, 2006**. The purpose of the meeting will be as follows:

- (a) To draft and sign a stipulation of all uncontested facts;
- (b) To narrow the issues to be tried;
- (c) To exhibit to each other any and all photographs, documents, instruments and other objects either counsel intends to offer as exhibits at trial;
- (d) To give notice to each other of the names and qualifications of any expert witnesses each intends to call;
- (e) To give notice to all parties of the names of witnesses to be called by each party at trial;
- (f) To prepare, either jointly or separately, a pre-trial memorandum, in the form prescribed by L.R. 16.5.

The pre-trial memorandum shall set forth:

- (1) A concise summary of the evidence which will be offered by:

- (a) plaintiff;
 - (b) defendant.
- (2) The facts established by the pleadings or by stipulations or admissions of counsel. [In particular, counsel shall stipulate all facts not in genuine dispute];
 - (4) Any factual issues in dispute;
 - (5) Issues of law, including evidentiary questions, together with supporting authority;
 - (6) Any requested amendments to the pleadings;
 - (7) Any additional matters to aid in the disposition of the action;
 - (8) The names of witnesses to be called (expert and others) [and the purpose of the testimony of each witness, i.e. whether, factual, expert, etc. Unless the qualifications of any expert witness are admitted, a statement of the qualifications of such witness shall be included];
 - (9) The proposed exhibits; and
 - (10) The names, addresses and telephone numbers of trial counsel.

The Joint Pre-Trial Memorandum shall be filed *on or before the close of business on Wednesday, October 11, 2006.*

A party who intends to object to any proposed exhibit shall give written notice of the ground of objection to the party offering the exhibit and file a copy of the notice with the Clerk *on or before the close of business on Wednesday, October 18, 2006.*

Counsel shall file and serve, on or before the close of business on Wednesday, October 18, 2006, a designation of those portions of depositions which will be offered into evidence because the witness will not testify in person at the trial. Objections to any portion of the depositions which have been designated and any counter-designation of other portions of the depositions shall be filed and served on or before the close of business on Wednesday, October 25, 2006.

A party who intends to object to the qualifications of an expert witness shall give file and serve written notice thereof on or before the close of business on Wednesday, October 25, 2006.

Any pre-trial motions (such as motions in limine, etc.) shall be filed and served on or before the close of business on Wednesday, October 25, 2006; oppositions shall be filed and served on or before the close of business on Wednesday, November 1, 2006.

Requests for voir dire questions, jury instructions and proposed jury verdict forms shall be filed and served on or before the close of business on Friday, November 3, 2006.

Immediately upon receipt of this order, any counsel who realizes that one

or more attorneys in the case have not been notified shall forthwith notify the additional attorney(s) in writing as to the entry of this order, and shall file a copy of the writing with the Clerk.

Failure to abide by the within Order shall subject a party to the sanctions delineated in Rule 16(f), F.R. Civ. P.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

Date: March 29, 2006.